

REMARKS

Claims 1, 2, 4-15, 17-28, 30-39 and 43-48 were pending in the Application. Applicant has cancelled claims 1-2, 4-15, 17-28, 30-39 and 43-48. Please cancel claims 1-2, 4-15, 17-28, 30-39 and 43-48 without prejudice as Applicant reserves the right to pursue the cancelled claims in a continuation application. Claims 49-81 are newly submitted. No new matter has been added. Accordingly, claims 49-81 remain pending in the application. Reconsideration is respectfully requested in view of the amendments to the claims and the remarks below.

I. The § 102 Rejections

Claims 1-2, 4-15, 17-28, 30-39 and 43-48 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,292,827 ("Raz").

Claim 49 recites a method for processing a query. In particular, the method includes receiving from a first computer system a request to process a query at a second computer system. The method further includes the second computer system utilizing metadata to process the query and generate a result for the query, in which the metadata utilized to process the query was not stored on the second computer system prior to the second computer system receiving the request to process the query.

A. Raz Fails To Disclose Utilizing Metadata To Process a Query and Generate a Result for the Query, in which the Metadata Utilized to Process the Query Was Not Stored on the Second Computer System Prior to the Second Computer System Receiving the Request to Process the Query

Raz discloses an information transfer network including a request broker system that permits the exchange of information between client terminals and servers (see Abstract).

Applicant respectfully submits that neither the servers nor the request broker system in Raz's information transfer network utilizes metadata to process the query and generate a result for the query, in which the metadata utilized to process the query was not stored on the second computer system prior to the second computer system receiving the request to process the query (emphasis added).

As described in the background section of Applicant's specification, "[t]raditional Relational Database Management Systems (RDBMS) maintain metadata about objects such as tables, users, triggers, indexes, etc., in order to effectively store and access data that is maintained by a server database" (specification page 1, lines 18-20). Applicant respectfully submits that Raz describes such a conventional technology which uses metadata stored at a server to access data that is stored at the server.

Referring to FIGs. 3 and 7 of Raz, a diagram of a server 18 and an operation flowchart for the server 18 is respectively shown. Referring to FIG. 3, the server 18 includes an Oracle database 22. In operation (as shown in FIG. 7), the server 18 receives a request for application data. An optimization agent determines which database to access based on the request, and the selected database performs the request using services

as needed. Applicant submits that because the server 18 includes the Oracle database, the metadata used to access the data (in the Oracle database) is also stored at the server 18, which metadata is stored at the server prior to the server receiving a request for application data. Accordingly, the server 18 does not utilize metadata to process a query and generate a result for the query, in which the metadata utilized to process the query was not stored on the server 18 prior to the server 18 receiving the request to process the query.

Applicant further submits that Raz's request broker system cannot be considered to be the second system as recited in claim 49. Claim 49 requires that the second system utilize metadata to process the query and generate a result for the query. Raz's request broker system does not generate a result for a query (see col. 8, ll. 37-44).

Applicant respectfully submits that claim 49 (and the claims that depend therefrom), therefore, should be allowable over Raz.

Claims 60 and 71 each incorporates limitations similar to those of claim 49. Claims 60 and 71, and the claims that depend therefrom, are also allowable over Raz for reasons corresponding to those set forth with respect to claim 49.

Applicant respectfully submits that claims 49-81 are allowable over the reference cited above, and are in condition for allowance. Should any unresolved issues remain, the Examiner is invited to call the undersigned at the telephone number indicated below.

Respectfully submitted,
SAWYER LAW GROUP LLP

May 8, 2006

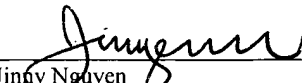
Date



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CERTIFICATE OF MAIL

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on **May 8, 2006**.


Jinny Nguyen



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Date: May 8, 2006

Kevin D. BAIR

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Serial No.: 09/733,429

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For: METHOD AND SYSTEM FOR ACCESSING INFORMATION ON A
NETWORK

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. §1.97

Sir:

Pursuant to 37 C.F.R. §1.97 and §1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. The Examiner is requested to make these documents of record. This Information Disclosure Statement is being submitted:


- ☒ With copies.
- ☐ Without copies. Copies of the documents were previously submitted in an Information Disclosure Statement and/or Office Action, directed to the related application Serial No. **, filed **. This protocol conforms with 37 C.F.R. §1.98(d) and M.P.E.P. 609 (A)(2).
- ☐ This Information Disclosure Statement is being submitted with only copies of non-U.S. patent publication(s) and non-patent literature. This protocol conforms with 37 CFR 1.98(a)(2)(i), which waives the requirement for submitting a copy of each cited U.S. Patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003.

- ☐ The documents listed on the attached Form PTO-1449 were cited in a Search Report directed to a counterpart international or foreign application.
- ☐ Within three months of the application filing date, or before mailing of a first Office Action on the merits.
- ☒ Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- ☐ After receipt of a first Office Action on the merits, but before the mailing date of a Final Office Action under §1.113, or a Notice of Allowance §1.311. Accompanied by one of:
 - ☐ Certification under 37 CFR §1.97(e); or
 - ☐ The fee set forth in §1.17(p)
- ☐ After mailing of a final Office Action or Notice of Allowance, but on or before payment of the issue fee. Accompanied by:
 - ☐ Certification under 37 CFR §1.97(e); and
 - ☐ The fee set forth in §1.17(p)
- ☐ A Certification under 37 C.F.R. §1.97(e) is provided below:
 - ☐ I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
 - or-
 - ☐ I hereby certify that no item of information was cited in a communication from a foreign patent office in a counterpart foreign application or, to the best of my knowledge after making a reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein. If any unresolved issues remain, please contact Applicant's attorney at the telephone number indicated below. The Commissioner is hereby authorized to charge any fees associated with this communication, or credit any overpayment, to Deposit Account No. 09-0460 (IBM Corporation).

Respectfully submitted,
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May 8, 2006
Date


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